

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION**

ROBERT TROHA and FREDERICK BIGNALL)	
on behalf of themselves and all others)	
similarly situated,)	
)	
Plaintiff,)	
vs.)	
)	Civil Action No. 05-191-E
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

STATUS REPORT OF MARCH 14, 2008

Plaintiffs submit this Status Report to inform the Court that the Surface Transportation Board, in a Decision issued March 7, 2008, denied Plaintiffs' motion opposing the grant of any additional extension of time for the negotiation of a NITU agreement. A copy of the STB's Decision is attached as Exhibit A.

The STB denied Plaintiffs' motion on the ground that "[a] further extension of the negotiating period here will promote the establishment of trial use and railbanking consistent with the Trails Act by providing a defined window of opportunity for reaching a trail use agreement in a case where there is evidence of progress in good faith negotiations between the railroad and the potential trial sponsor." The STB did not address Plaintiffs' argument that further extensions of time will prejudice Plaintiffs and Class member's ability to obtain an adjudication of their rights under the Fifth Amendment to the Constitution for just compensation.

The STB extended the NITU negotiating period from March 8, 2008 to June 6, 2008.

Plaintiffs have not yet determined whether they will challenge the March 7, 2008

Decision of the STB.

Respectfully submitted,

s/David A. Cohen

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Dated: March 14, 2008

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of March, 2008, the foregoing Status Report was electronically filed with the Clerk of the Court using the CM/ECF system, which, in turn, forwarded the same to counsel of record.

/s/David A. Cohen